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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,231	06/19/2001	Richard E. Auerbach	1039-68477	5169
27879	7590	11/18/2003		
BRINKS HOFER GILSON & LIONE ONE INDIANA SQUARE, SUITE 1600 INDIANAPOLIS, IN 46204-2033				
			EXAMINER TUGBANG, ANTHONY D	
			ART UNIT 3729	PAPER NUMBER

DATE MAILED: 11/18/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/884,231

Applicant(s)

AUERBACH ET AL.

Examiner

A. Dexter Tugbang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21, 23 and 28-33 is/are pending in the application.
- 4a) Of the above claim(s) 20, 21 and 23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 18, 19 and 28-33 is/are rejected.
- 7) ☒ Claim(s) 6-17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments, see pages 3-6 of the Request for Reconsideration, filed 8/20/03, with respect to Claims 1-3, 18, 28, 30 and 33 have been fully considered and are persuasive. The rejections in the previous Office Action (Paper No. 17) directed to EP'317 have been withdrawn.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### *Election/Restrictions*

3. Claims 20, 21 and 23 continue to stand as being withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 6.
4. The applicants' arguments (see pages 2-3 of the Request for Reconsideration) regarding Claims 29, 31 and 32 as to the claims being distinct and independent from the invention originally claimed, have been found to be persuasive. Therefore, the claims will be fully examined on their merits.

### *Claim Rejections - 35 USC § 102*

5. Claims 1 and 28-31 are rejected under 35 U.S.C. 102(b) as being anticipated by European Patent EP 0 369 434, referred to hereinafter as EP'434.

EP'434 discloses a method of making a woven spider comprising: selecting a thread (anyone of fibers 11 in Fig. 7A) of a cloth; helically wrapping multiple electrical conductors 12a,

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12b around the thread (see Fig. 7A); and weaving the wrapped thread at a selected location in the cloth (see Fig. 7C), which meets all of the limitations of the claimed invention.

Regarding Claim 29 in Figs. 8A and 8B, EP'434 shows the woven cloth being molded and trimmed to the dimensions of D and W with the wrapped conductor extending beyond and edge of the woven cloth (see Fig. 7C).

Regarding Claims 30 and 31, the wrapped conductor is an integral part of the woven cloth only at the conductor portion and is considered to be a flex locus (see Fig. 8B) of the cloth.

### ***Claim Rejections - 35 USC § 103***

6. Claims 2-4, 18, 19, 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP'434 in view of Japanese Patent Publication JP 5-85196, referred to hereinafter as JP'196.

EP'434 discloses the claimed manufacturing method as relied upon above, and further including forming the cloth into a spider of a loudspeaker and the use of a non-conductive adhesive of resin (see col. 6, lines 27+).

EP'434 teaches substantially all of the limitations of the claimed manufacturing method except incorporating the spider into a moving coil transducer and making electrical contact to a moving coil of the moving coil transducer by applying a conductive adhesive.

JP'196 discloses (note the Full English Translation) incorporating an equivalent spider into a moving coil transducer and making electrical contact to a moving coil of the moving coil transducer by the use of a conductive adhesive, i.e. solder, to assemble a loudspeaker.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of EP'434 by incorporating the spider into a moving coil transducer and making electrical contact to a moving coil of the moving coil transducer by applying a conductive adhesive, as taught by JP'196, to positively assemble art recognized equivalent spiders into a moving coil transducer or loudspeaker assembly.

Regarding Claim 32, the examiner takes Official Notice that shaping woven cloths by trimming to form the outer circumference and a central opening is notoriously well known in the art of manufacturing cloths. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified either of the cloths of EP'434 or JP'196 by trimming the cloths for the advantages of achieving a particular shape and opening of the cloth.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over EP'434 in view of JP'196 as applied to claims 2-4 above, and further in view of Barbera 5,110,999.

EP'434, as modified by JP'196, teaches the claimed manufacturing method as previously discussed. The modified EP'434 method does not mention twisting the wrapped threads together.

Barbera shows twisting wrapped threads together to increase mechanical integrity and withstand any wear (see col. 5, lines 30-36). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of EP'434 by twisting the wrapped threads, as taught by Barbera, to positively increase mechanical integrity and withstand wear.

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***Allowable Subject Matter***

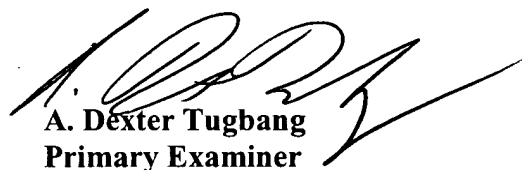
8. Claims 6-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to A. Dexter Tugbang whose telephone number is 703-308-7599. The examiner can normally be reached on Monday - Friday 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 703-308-1789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9302.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

  
**A. Dexter Tugbang**  
**Primary Examiner**  
**Art Unit 3729**

November 17, 2003